

Notice of Allowability

Application No.

10/087,470

Examiner

Cheukfan Lee

Applicant(s)

TUCHTENHAGEN, BRIAN

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment file May 12, 2006.
2. ☒ The allowed claim(s) is/are 1-20 and 23-32, now renumbered 1, 3-8, 2, 9, 10, 11, 13, 12, and 14-30, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Cheukfan Lee

1. All pending claims 1-20 and 23-32 are allowed. Claims 1, 2, 9, 14, 23, and 25 are independent.

2. The amendment filed May 12, 2006 has overcome the objection to the specification and claims 1-8 and 14-20.

3. The following is an examiner's statement of reasons for allowance:

Reasons for allowance for claims 1-20 and 23-30 were given in the previous Office Action dated April 21, 2006. The reasons are still valid after the updated search. The reasons are repeated below.

Claim 1 is allowable over the prior art of record. The examiner agrees with Applicant on that Tanimoto (U.S. Patent No. 6,952,280), the closest prior art of record, does not disclose a priority media release device configured to selectively block media in the priority feed tray from being released to the media feed mechanism, and admit media in the priority feed tray to the media feed mechanism as claimed in claim 1. See Applicant's remakes, page 9.

Claim 8 depends on claim 1.

Independent claim 2 claims the limitations of claim 1 and additional limitations and thus is allowable for the reason given for claim 1.

Claims 3-7 depend on claim 2, directly or indirectly.

Independent claim 9 recites "a priority media release device movable between a media blocking position and a media admitting position under control of the processor", which, in combination with other limitations of claim 9, is not taught by the closest prior art Tanimoto (6,952,280).

Claims 10-23 depend on claim 9.

Independent claim 14 claims limitations similar to those of claim 1 and thus is allowable for the reason given for claim 1.

Claims 15-20 depend on claim 14, directly or indirectly.

Independent claim 23 is allowable because the closest prior art of record, Tanimoto (6,952,280), does not disclose that the applications program is configured to automatically apply the media type designation to the image file indicating the priority media tray as the source of the imaging media as claimed.

Claim 24 depends on claim 23.

Independent claims 25 and 29 are method claims claiming method steps corresponding to the apparatus claim 14 and therefore are allowable for the reason of allowance given for claim 14.

Claims 26-28 and 30-32 depend on claims 25 or 29, directly or indirectly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
June 7, 2006


Cheukfan Lee